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REMARKS

Claims 1-10, 15-19, and 29-39 remain pending.

In the Office Action, the Examiner rejected claims 1-10, 15-19, and 29-39 under 35 U.S.C. § 103(a) as being unpatentable over Walsh et al. (U.S. Patent No. 5,642,410) in view of Melkild et al. (U.S. Patent No. 6,014,440).

Applicants again note that the Examiner has not read any of the pending claims with particularity on Walsh et al. or the other applied reference Melkild et al. In the previous response filed on January 27, 2004, Applicants respectfully reminded the Examiner that under 37 C.F.R. § 104(c)(2) "the particular part [of the reference] relied on must be designated as nearly as practicable," and respectfully requested that, in any subsequent actions containing art rejections, the claim elements be read upon particular components of the reference(s). Applicants' request was ignored. Applicants repeat this request, further noting that under M.P.E.P. § 707.07(f), the Examiner should answer the substance of all traversals.

To be clear, the traversal in question is that the Examiner's action is so brief and unspecific as to fail to establish a *prima facie* case of obviousness. For example, Applicants assume, but do not know for sure because it has not been stated in an Office Action, that the Examiner intends to read the claimed virtual phone generic configurable interface on the State Machine of Walsh et al. Other claim elements which have not been read with any particularity on Walsh et al. include the claimed telephone switch and the claimed communication device. Citing the several columns of Walsh et al. without showing where the elements of the claims are allegedly taught does not meet the Examiner's initial burden of making a *prima facie* case of

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obviousness, and the § 103(a) rejection should be withdrawn, or at least modified, for this reason.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

A *prima facie* case of obviousness has not been established for claims 1-10, 15-19, and 29-39, at least because no motivation has been provided to combine Walsh et al. and Melkild et al. The proposed justification on page 2 of the Office Action, "to bring a higher degree of flexibility and efficiency to the system," is conclusory and devoid of citation to either reference. Such a bare conclusion does not establish a *prima facie* case of obviousness without evidence supporting that conclusion. No reasoning, in the references or otherwise, has been provided detailing what deficiency or need in the State Machine of Walsh et al. would have motivated one of ordinary skill in the art to add the teachings of Melkild et al. In the absence of such evidence, a *prima facie* case of obviousness cannot be established for claims 1-10, 15-19, and 29-39.

A *prima facie* case of obviousness also has not been established, because at least Melkild et al. teaches away from the proposed combination. See M.P.E.P. § 2145(X)(D) ("proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference"). As is apparent from Figs. 2 and 3, and col. 3, lines 34-49,

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Melkild et al. discloses various schemes for protocol matching between an originating call handler (OCH) and a terminating call handler (TCH), both located *in a switching node 16*. Thus, Melkild et al. at most suggests matching protocols in a switching node (e.g., node 16), but not in “a virtual phone generic configurable interface” connected between a switch and a communication device as claimed. To move this protocol matching function out of the switching node 16 would change the principle of operation of Melkild et al., and it would also alter the principle of operation of the State Machine of Walsh et al. Thus, the references teach away from the proposed combination. A *prima facie* case of obviousness has not been established for claims 1-10, 15-19, and 29-39 for this additional reason.

Applicants submit that claims 1-10, 15-19, and 29-39 are allowable over the applied art. Reconsideration and allowance of these claims is respectfully requested.

In the event that any outstanding matters remain in this application, Applicants request that the Examiner contact Alan Pedersen-Giles, attorney for Applicants, at the number below to discuss such matters.

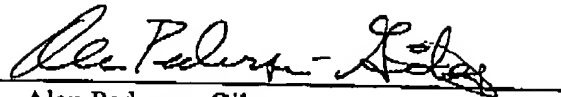
To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess

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fees to such deposit account.

Respectfully submitted,

Dated: June 7, 2004



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